

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15340 of N.V. Homes Ltd. Partnership, pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Section 2516 to allow two or more buildings on a subdivided lot, a variance to allow open space in front of the entrance to each principal building to be less than the required rear yard [Paragraph 2516.5(b)], a variance from the provision that ingress or egress shall not be included in the area of any theoretical lot, or in any yard [Paragraph 2516.6(a)], a variance from the provision that each means of vehicular ingress or egress to any principal building shall be twenty-five feet in width [Paragraph 2516.6(b)], a variance from the provision that a turning area shall be provided with a diameter of not less than sixty feet [Paragraph 2516.6(c)], a variance from the side yard requirements (Sub-section 405.9), a variance from the rear yard requirements (Sub-section 404.1), a variance from the lot width requirements (Sub-section 401.3) for a theoretical lot subdivision and construction of thirty-four single-family detached dwellings in an R-1-A District at premises in the 2500 Block of 49th Street, N.W., (Square 1397, Lots 888, 889, 892-917 and 968-992).

HEARING DATE: July 25, 1990
DECISION DATE: July 25, 1990 (Bench Decision)

SUMMARY ORDER

The site of the application is located in Advisory Neighborhood Commission (ANC) 3D. ANC 3D, which is automatically a party to the application, filed a written statement in support of the application.

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to ANC 3D and to owners of property within 200 feet of the site.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 2516. Additionally, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 2516.5(b), 2516.6(a), 2516.6(b), 2516.6(c), 405.9, 404.1 and 401.3. No person or entity appeared at the

hearing or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.


Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that granting the special exception relief will be in harmony with the general purpose and intent of the Zoning Regulations and maps and will not adversely affect the use of neighboring property in accordance with the Regulations and Maps. The Board further concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107, and that granting the requested variance relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Maps. It is therefore ORDERED that the application is GRANTED.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the Order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 4-0 (John G. Parsons, Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to grant; Paula L. Jewell not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: AUG 17 1990

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15340order/LJP63

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION/APPEAL No. 15340

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order in this case, dated AUG 17 1990 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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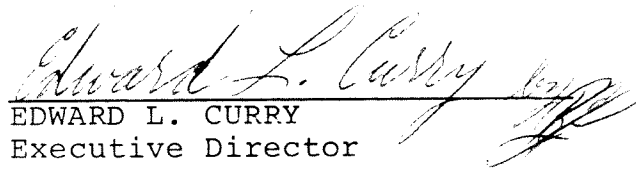
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EDWARD L. CURRY
Executive Director

DATE: AUG 17 1990